

RHODE ISLAND.

MEMORIAL

OF THE

DEMOCRATIC MEMBERS OF RHODE ISLAND LEGISLATURE,

PROTESTING

*Against the course pursued by the President during the late difficulties,
and requesting the House of Representatives to make certain specified
inquiries in relation thereto.*

FEBRUARY 19, 1844.

Read, and referred to a Select Committee.

To the House of Representatives of the Congress of the United States :

The undersigned, citizens of the United States, and democratic members of the General Assembly of the State of Rhode Island and Providence Plantations,

RESPECTFULLY REPRESENT :

That a large majority of the adult male inhabitants of the State of Rhode Island, being citizens of the United States, after having long waited in vain for an amendment, through the old charter government, of the political institutions of this State, in order to bring them into conformity to the standard of a democratic republic, to define and regulate the unlimited powers of the General Assembly, and to secure to the people the right of suffrage, and other just rights, of which they had long been deprived, in the exercise of their original sovereign capacity, did, in December, 1841, rightfully adopt and duly ratify a constitution of government, republican in its form and character, agreeably to the guaranty of the constitution of the United States. The votes given in for this constitution were signed by the voters, and have been carefully preserved as a standing evidence of the will and action of the people.

Previously to the election of a government under the people's constitution, the President of the United States issued a letter to the Governor, then acting under the charter and laws, in which he undertakes to prescribe the mode of proceeding to amend the institutions of a State, and declares, in effect, that the only valid change must be made by "the authorities and people;" placing the "authorities" before the people, making their consent and permission requisite to the action of the people, and reversing the great fundamental doctrine of our democratic republic, that all just government is founded in the consent of the governed; and that the people are, of course,

superior to the servants intrusted with temporary power, for convenience, and in order to do the will of their superiors.

A majority of the old charter House of Representatives was elected by towns containing less than *one-third* of the population of the State, and the voters in these towns were *a third* of the adult male inhabitants; so that the people of this State were ruled, under the old charter system, by *one-ninth* part of the adult male population, without whose permission, through their "authorities" in the General Assembly, according to the President, they could never come to the enjoyment of their inalienable rights. On the other hand, leaving to each State the question, Who are the people? we contend that a majority of the whole people are competent, of themselves, without permission, by an authentic act, to change their form of government.

The undersigned would call your attention to another important fact—that *there was no mode prescribed* by charter, law, or usage, in this State, for proceeding to change the government, and to form a written constitution. All that the Assembly could do, was, to request the people to act; and they were at liberty to do so or not, and could act as well without the request, which gave no power, as with it.

The President, in his letter aforesaid, conveyed the threat of an intervention with the forces of the United States, in case the proceedings of the people to set up their government should be persisted in; and, by increasing the number of troops at Newport, and by other demonstrations within striking distance, he gave all the advantages of actual military co-operation and invasion to the old charty party and their government, and enabled them, with the union of the State treasury and the military, to suppress the government elected under the people's constitution; to trample upon the rights of our citizens; maintain martial law over the people, in derogation of all law; to impose on the people, while thus under duress, another constitution, unjust, restrictive, and anti republican, adopted by less than *one-third* of the adult male citizens; and, generally, to govern the State as a conquered territory, by despotic laws and by the military; and to exercise a political proscription, extending through all the relations of society and business, such as has never before been witnessed in any State in this Union. Many of our citizens have been driven from the State into exile, by the course of the successful party. Large numbers have been imprisoned, and about fifteen are now under indictments for pretended treason and misdemeanors. One of their number, Thomas W. Dorr, who was elected governor of the State under the people's constitution, has been kept in close prison for more than three months, under a charge of treason, but in reality for attempting to maintain, according to his oath of office, the people's constitution, and for carrying out the doctrines of the Declaration of American Independence.

The undersigned believe and affirm that this interference of the President in the affairs of a State, small in territory, easy of access, with an imperfect military organization, and incapable by itself of resisting a powerful attack from abroad, had the effect of overawing the people, and of strengthening the adverse party; and that it mainly caused the overthrow of the people's constitution and government. If the President had let us alone, the new government would have been peaceably established, and generally acquiesced in.

The undersigned desire to make their solemn protest against the course

pursued by the President of the United States. If, under the name of suppressing "insurrections," and repressing "domestic violence," the President can thus control the States in their internal affairs, and cast the sword into the scale of the party which he espouses, he is, in fact, a military dictator of all-absorbing powers, to be brought out as occasion may require; State rights are a mockery, and the Declaration of Independence is (as it is here asserted to be) a "rhetorical flourish," intended for a purpose long since gone by; popular sovereignty is a delusion, and we have not, as was supposed at the Revolution, escaped from the aristocratic and monarchical doctrine of the Old World—that the government is sovereign, and the people are subjects.

Let it be borne in mind, that when the President commenced with the affairs of this State, there was no "insurrection," no "domestic violence." The people were not overthrowing a government, but rightfully and peaceably substituting another, to take effect at a prescribed time—the laws being continued in operation, and the officers and magistrates being continued in their places until duly suspended by new elections and appointments.

The people of this State, who supported the constitution of 1841, were desirous, at the late election of members to your House for this State, of choosing their own candidates by the electors authorized under said constitution, and thus of bringing the question of our rights under the same to your consideration, upon a competition for the seats of the present members. But this was impossible, as, by one of the Algerine laws of this State, (properly so called,) all meetings for such a purpose are declared riotous, to be suppressed by civil and military force; and the people present, after the reading of the riot act, and without time to retire, might be shot down forthwith.

The undersigned, in the view of the facts now stated, and in behalf of their democratic fellow-citizens, therefore respectfully request that the House of Representatives of the United States will inquire whether the President of the United States has any such power of interfering in the internal affairs of a sovereign State as he has claimed and exercised in the case of Rhode Island.

The undersigned further request the House of Representatives to call upon the President of the United States for the authority, and for copies of the applications, upon which he acted in this case; for the instructions to, and statements of, the charter commissioners, sent to him from this State; for the correspondence between the Executive and the charter Governor of this State, and all the papers and documents connected with the same; for any correspondence between the heads of departments and said Governor, or any person or persons connected with said charter government, and for any accompanying papers and documents; for all orders issued by the Executive, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island; and for all orders to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; for all orders to officers of revenue-cutters for the same service; for any instructions borne by the Secretary of War to Rhode Island, on his visit in 1842, to review the charter troops; for any order or orders to any officer or officers of the army or navy to report themselves to the charter government. And the undersigned request an inquiry whether such officers took part in advising said government, forming plans, giving directions, and otherwise; also, an inquiry

whether or not certain officers in the pay of the United States did not, in June, 1842, at Providence, and at the head of gangs of armed whites and negroes, forcibly enter the houses of suffrage-men, and maltreat them, and despoil them of their property; also, whether, in 1842, in this State, private correspondence through the post office was violated, and by whom.

The undersigned further request the House of Representatives to inquire whether the members of said House from the State of Rhode Island are entitled to their seats; inasmuch as a large number of persons, entitled, under the people's constitution, to vote at their election, were excluded from the polls, and the electors were debarred from voting for candidates in opposition, under said constitution, by the military law before described.

The undersigned further request the Congress of the United States to execute to this State the guaranty, in the national constitution, of a republican constitution, *in favor of that which was rightfully and duly adopted in this State, in December, 1841, and established and carried into effect by the organization of a government under it in May, 1842.*

The undersigned also request such further aid as Congress may deem it in their power and expedient to afford.

Senators.

Samuel Steere,
Olney Ballou,
Otis Wood,
Cyrus Brown,
Levi E. Eaton,

George C. Carr,
Anson Potter, (believing the state-
ments to be substantially correct,)
Isaac Wilkinson.

Representatives.

Eddy Keech,
Gladding O. Thompson,
Adams Park,
James Angell,
Cyrus Farnum,
William Steere,
David Wilbur,
James Harkness,
Pardon Angell,

William Smith,
Thomas Buffum,
Ariel Ballou,
Fenner Brown,
William Latham,
Jos. T. Sisson,
Jonathan Cole,
Niles Westcott,
Richard Mory.

PROVIDENCE, February 1, 1844.